

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Thomas D. Hubinsky**  
Debtor(s)

Bankruptcy Case No.: 16-24710-GLT  
Issued Per 1/30/2020 Proceeding  
Chapter: 13  
Docket No.: 80 – 75  
Concil. Conf.: January 30, 2020 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 12, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 30, 2020 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

The estimated unsecured % is 40.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: February 3, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Thomas D. Hubinsky  
 Debtor

Case No. 16-24710-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 22

Date Rcvd: Feb 03, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 05, 2020.

db +Thomas D. Hubinsky, 117 University Street, Verona, PA 15147-3738  
 cr +BANK OF AMERICA, N.A., PO BOX 31785, TAMPA, FL 33631-3785  
 14339831 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
 14379383 BANK OF AMERICA, N.A., Bank of America, PO Box 31785, Tampa, FL 33631-3785  
 14395330 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 14345487 +Citizens Bank, 1 Citizens Drive, ROP15B, Riverside R.I. 02915-3035  
 14344752 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3026  
 14339833 +Citizens One Auto Finance, PO Box 7000, Providence, RI 02940-7000  
 14357418 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013  
 14339837 +Jessalyn Grant, 117 University St., Verona, PA 15147-3738  
 14339840 +PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180  
 14339832 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229  
 (address filed with court: Citizens Bank, 1000 LaFayette Gill, Bridgeport, CT 06604)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14348313 E-mail/Text: ally@ebn.phinsolutions.com Feb 04 2020 03:56:40 Ally Bank, PO Box 130424, Roseville MN 55113-0004  
 14339830 +E-mail/Text: ally@ebn.phinsolutions.com Feb 04 2020 03:56:40 Ally Financial, PO Box 380901, Minneapolis, MN 55438-0901  
 14357986 +E-mail/Text: DSLBKYP@discover.com Feb 04 2020 03:57:39 Discover Student Loans, PO BOX 30925, Salt Lake City, UT 84130-0925  
 14339834 +E-mail/Text: DSLBKYP@discover.com Feb 04 2020 03:57:39 Discover Student Loans, PO Box 30948, Salt Lake City, UT 84130-0948  
 14419300 +E-mail/Text: kbarkley@bernsteinlaw.com Feb 04 2020 03:57:48 Duquesne Light Company, c/o Peter J. Ashcroft,, Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,, Pittsburgh, PA 15219-1945  
 14339835 +E-mail/Text: bankruptcy@huntington.com Feb 04 2020 03:57:20 First Merit, 295 First Merit Circle, Akron, OH 44307-2305  
 14339836 +E-mail/Text: bankruptcy.notices@hdfsl.com Feb 04 2020 03:57:43 Harley Davidson Credit Corp, PO Box 21829, Carson City, NV 89721-1829  
 14339839 +E-mail/PDF: pa\_dc\_ed@navient.com Feb 04 2020 03:53:36 Navient Dept. of Education, PO Box 9635, Wilkes Barre, PA 18773-9635  
 14389672 E-mail/PDF: pa\_dc\_claims@navient.com Feb 04 2020 03:52:52 Navient Solutions, Inc. on behalf of, Department of Education Loan Services, P.O. Box 9635, Wilkes-Barre, PA 18773-9635  
 15013996 +E-mail/Text: bankruptcy@huntington.com Feb 04 2020 03:57:20 The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr BANK OF AMERICA, N.A.  
 cr Duquesne Light Company  
 cr The Huntington National Bank successor by merger t  
 cr\* BANK OF AMERICA, N.A., PO Box 31785, TAMPA, FL 33631-3785  
 cr\* +Discover Student Loans, PO Box 30925, Salt Lake City, UT 84130-0925  
 14339838 ##+Little Giant Federal Credit Union, 600 Chartiers Ave., Mc Kees Rocks, PA 15136-3892  
 TOTALS: 3, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 05, 2020

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: dbas  
Form ID: 149

Page 2 of 2  
Total Noticed: 22

Date Rcvd: Feb 03, 2020

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 3, 2020 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor The Huntington National Bank successor by merger to  
FirstMerit Bank bsolomon@tuckerlaw.com, agilbert@tuckerlaw.com  
James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com/acarr@bernsteinlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Scott R. Lowden on behalf of Debtor Thomas D. Hubinsky niclowlgl@comcast.net

TOTAL: 6